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Attorneys for Defendant and Counterclaimant
FREETECH, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ECHOSTAR SATELLITE L.L.C.,
ECHOSTAR TECHNOLOGIES
CORPORATION, and NAGRASTAR L.L.C.,

Plaintiffs,

vs.

FREETECH, INC. and DOES 1-10,

Defendants.

FREETECH, INC.,

Counterclaimant,

vs.

ECHOSTAR SATELLITE L.L.C.,
ECHOSTAR TECHNOLOGIES
CORPORATION, and NAGRASTAR L.L.C.,

Counter-defendants.

Case No. 07-6124-JW (RS)

**DECLARATION OF MATTHEW SCHERB
IN SUPPORT OF STIPULATION**

Current Date: September 15, 2008
Proposed Date: September 10, 2008
Time: 9:30 a.m.
Place: Courtroom 4, 5th Floor, San Jose

1 I, Matthew Scherb, declare:

2 1. I am an attorney at law, duly licensed to practice law in the State of California. I am
3 an associate with the law firm of Winston & Strawn LLP, counsel of record for Defendant and
4 Counterclaimant in this action, Freetech, Inc. ("Freetech"), and am authorized to make this
5 declaration in that capacity. I make this declaration of my own personal knowledge and, if called
6 upon to testify, could and would testify competently as stated herein.

7 2. Freetech filed a motion for protective order on August 11, 2008 and Freetech noticed
8 a hearing date of Monday, September 15, 2008, a date the parties chose jointly. Upon receipt of the
9 motion, the Court referred all discovery matters to Magistrate Judge Seeborg, who holds hearings for
10 civil motions on Wednesdays, not Mondays. The parties conferred about moving the hearing date to
11 September 17, 2008; however, that date did not work for all counsel. Plaintiffs proposed a hearing
12 date of September 10, 2008 while keeping the briefing schedule associated with the later hearing
13 date. Freetech agreed to this, subject to the Court's approval.

14 3. There have been no previous requests to modify time in this case and the proposed
15 change would have no material effect on the progress of this case.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on August 15, 2008 in San Francisco, California.

18 _____
19 /s/
20 Matthew A. Scherb
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